

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

<p>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,</p> <p>Plaintiff,</p> <p>v.</p> <p>IZZA BENDING TUBE & WIRE, INC.,</p> <p>Defendant.</p>	<p>Civil Action No. _____</p> <p>COMPLAINT</p> <p>JURY TRIAL DEMANDED</p>
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NATURE OF THE ACTION

This is an action brought by the United States Equal Employment Opportunity Commission (“EEOC”) under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. (“Title VII”) and Title I of the Civil Rights Act of 1991 to correct unlawful retaliation, and provide appropriate relief to Myrna Peltonen who was adversely affected because of such retaliation. The EEOC alleges that Izza Bending Tube & Wire, Inc. (“Defendant”) demoted and terminated Ms. Peltonen’s employment because of her opposition to race discrimination and her participation in EEOC proceedings.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to §§ 706(f) (1) and (3)

of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f) (1) and (3); and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The unlawful employment practices alleged were committed within the jurisdiction of the United States District Court for the District of Minnesota.

PARTIES

3. The plaintiff, the EEOC, is the agency of the United States of America charged with administering, interpreting and enforcing Title VII, and is expressly authorized to bring this action by § 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant has continuously been and is now incorporated in the State of Minnesota, doing business in the City of Buffalo.

5. At all relevant times, Defendant has continuously had at least 15 employees.

6. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

7. More than 30 days prior to the institution of this lawsuit, Myrna Peltonen filed a charge of discrimination with the EEOC alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since October, 2010, and continuing to the present, Defendant has engaged in unlawful employment practices at its Buffalo, Minnesota facility. Specifically, when Myrna Peltonen, its production manager, sought to hire an African American temporary

employee, Defendant refused, because of the employee's race, and directed Peltonen to terminate the employee because of his race. When Ms. Peltonen refused to terminate the temporary employee she was demoted and had her salary reduced in retaliation for her opposition to Defendant's unlawful employment practices.

9. On or about September 9, 2011, Peltonen filed a charge of discrimination with the Commission, alleging that she had been demoted, and her wages reduced, because of her opposition to race discrimination. On December 15, 2011 she was laid off. On January 31, 2012 she was terminated.

10. The effect of the practices complained of in Paragraphs 8 and 9 above has been to deprive Ms. Peltonen of equal employment opportunities and otherwise adversely affect her status as an employee because of her opposition to employment practices made unlawful by Title VII and her filing of a Charge of Discrimination with the Commission.

11. The unlawful employment practices complained of in Paragraphs 8 and 9 were intentional.

12. The unlawful employment practices complained of in Paragraphs 8 and 9 were done with malice or reckless indifference to the federally protected rights of Ms. Peltonen to be free of retaliation on the basis of opposition to unlawful employment practices and participation in an EEOC proceeding.

PRAYER FOR RELIEF

WHEREFORE, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant and its officers, successors and assigns, and all persons in active concert or participation with them, from engaging in retaliation for opposition to practices made unlawful by Title VII or for participation in proceedings under Title VII.

B. Order Defendant to institute and carry out policies, practices, and programs which protect employees who oppose conduct made unlawful by Title VII or who participate in EEOC proceedings.

C. Order Defendant to make Myrna Peltonen whole by providing appropriate back pay and benefits, with pre-judgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices described in Paragraphs 8 and 9 including (but not limited to) rightful place reinstatement and/or front pay in lieu thereof.

D. Order Defendant to make Myrna Peltonen whole by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in Paragraphs 8 and 9 above, in amounts to be determined at trial;

E. Order Defendant to make Myrna Peltonen whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices described in Paragraphs 8 and 9, including emotional distress, such as humiliation, embarrassment, pain and suffering, in amounts to be determined at trial.

F. Order Defendant to make Myrna Peltonen whole by paying punitive damages for its malicious and reckless conduct described in Paragraphs 8-10 in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the EEOC its costs of this action.

JURY TRIAL DEMAND

The EEOC requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

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Dated: 9/19/13

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